

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEVIN WILLIAMS,

Plaintiff,

v.

**PA DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendant.

: Civil No. 1:15-cv-0975

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Judge Sylvia H. Rambo

ORDER

Before the court is a report and recommendation of the magistrate judge (Doc. 62), filed on July 26, 2018, which recommends that the claims in this action be dismissed without prejudice for failure to comply with Rule 20 of the Federal Rules of Civil Procedure as his claims do not arise out of the same transaction, occurrence, or series of transactions or occurrences, and they do not raise any question of law or fact common to all defendants. Further, she recommends that Williams' complaint also be dismissed for its failure to satisfy the threshold elements of 42 U.S.C. § 1983 because the DOC, the Program Review Committee, and the Educational and Medical Departments at SCI-Mahoney do not qualify as persons capable of being sued under § 1983, and in addition, because the complaint fails to allege the personal involvement of Defendants Varner, McKnight, Vougahta, and Superintendent Kerestes in the alleged violations of Williams' constitutional rights. Finally, the magistrate judge recommends that the complaint

be dismissed because some of the claims raised by Williams are barred by the two-year statute of limitations applicable to § 1983 claims. Williams has failed to file objections to the R&R and the time to do so has lapsed.

Upon review of the R&R, the court agrees with the reasoning and conclusions of the magistrate judge, and in an effort to conserve judicial resources, will not rehash that reasoning here. Instead, the court will adopt the R&R of the magistrate judge in its entirety.

IT IS THEREFORE ORDERED AS FOLLOWS:

- 1) The report and recommendation of the magistrate judge is **ADOPTED**.
- 2) The complaint is **DISMISSED** without prejudice.
- 3) Williams is **GRANTED** leave to amend within 60 days of the date of this order.¹
- 4) The Clerk of Court shall remand this case to the magistrate judge for any further proceedings.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: September 5, 2018

¹ In her R&R, the magistrate judge recommends that Williams be granted 28 days to file an amended complaint. However, on August 21, 2018, Williams filed a letter requesting that he be provided 90 days (presumably from the date of the report and recommendation) to file an amended complaint. Because it has been more than 30 days since the filing of the R&R, the court will grant Williams an additional 60 days to file an amended complaint.